

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation and Petition to
Revoke Probation Against:

CONNIE C. NEWELL
573 East 1600 South
Bountiful, UT 84010

Registered Nurse License No. 387168

Respondent.

Case No. 2004-96

OAH No. L-2007070281

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the
Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on NOVEMBER 15, 2007.

It is so ORDERED NOVEMBER 15, 2007.

LaTranene H Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA K. SCHNEIDER,
Supervising Deputy Attorney General
3 DIANE DE KERVOR, State Bar No. 174721
Deputy Attorney General
4 California Department of Justice
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9 Attorneys for Complainant

10 **BEFORE THE**
BOARD OF REGISTERED NURSING
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation and Petition to
13 Revoke Probation Against:

14 **CONNIE C. NEWELL**
573 East 1600 South
15 Bountiful, UT 84010

16 Registered Nurse License No. 387168

17 Respondent.

Case No. 2004-96

OAH No. L-2007070281

STIPULATED SURRENDER OF
LICENSE AND ORDER

18 In the interest of a prompt and speedy resolution of this matter, consistent with the
19 public interest and the responsibility of the Board of Registered Nursing of the Department of
20 Consumer Affairs, the parties hereby agree to the following Stipulated Surrender of License and
21 Order which will be submitted to the Board for approval and adoption as the final disposition of
22 the Accusation and Petition to Revoke Probation.

23 **PARTIES**

24 1. Ruth Ann Terry, M.P.H, R.N (Complainant) is the Executive Officer of
25 the Board of Registered Nursing. She brought this action solely in her official capacity and is
26 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
27 by Diane de Kervor, Deputy Attorney General.

28 ///

2. Connie C. Newell (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about July 31, 1985, the Board of Registered Nursing issued Registered Nurse License No. 387168 to Respondent. The License was in full force and effect at all times relevant to the charges brought in Accusation and Petition to Revoke Probation No. 2004-96 and will expire on September 30, 2008, unless renewed.

JURISDICTION

4. Accusation and Petition to Revoke Probation No. 2004-96 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on June 12, 2007. Respondent timely filed her Notice of Defense contesting the Accusation and Petition to Revoke Probation. A copy of Accusation and Petition to Revoke Probation No. 2004-96 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation and Petition to Revoke Probation No. 2004-96. Respondent also has carefully read, and fully understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation and Petition to Revoke Probation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in
3 Accusation and Petition to Revoke Probation No. 2004-96, agrees that cause exists for discipline
4 and hereby surrenders her Registered Nurse License No. 387168 for the Board's formal
5 acceptance.

6 9. Respondent understands that by signing this stipulation she enables the
7 Board to issue an order accepting the surrender of her Registered Nurse License without further
8 process.

9 **CONTINGENCY**

10 10. This stipulation shall be subject to approval by the Board of Registered
11 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
12 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
13 and surrender, without notice to or participation by Respondent. By signing the stipulation,
14 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
15 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
16 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall
17 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
18 between the parties, and the Board shall not be disqualified from further action by having
19 considered this matter.

20 **OTHER MATTERS**

21 11. The parties understand and agree that facsimile copies of this Stipulated
22 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
23 and effect as the originals.

24 12. In consideration of the foregoing admissions and stipulations, the parties
25 agree that the Board may, without further notice or formal proceeding, issue and enter the
26 following Order:

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ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 387168 issued to Respondent Connie C. Newell is surrendered and accepted by the Board of Registered Nursing.

13. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This order constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

14. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.

15. Respondent shall cause to be delivered to the Board both her wall and pocket license certificate on or before the effective date of the Decision and Order.

16. Respondent fully understands and agrees that if she ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation and Petition to Revoke Probation No. 2004-96 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

17. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation and Petition to Revoke Probation No. 2004-96 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

18. Upon reinstatement of the license, Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of Three Thousand Nine Hundred Nine Dollars and No Cents (\$3,909.00). Respondent shall be permitted to pay these costs in a payment plan approved by the Board.

19. Respondent shall not apply for licensure or petition for reinstatement for two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 8/17/2007


 CONNIE C. NEWELL
 Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 8/21/2007

EDMUND G. BROWN JR., Attorney General
of the State of California

DIANE DE KERVOR
Deputy Attorney General

Attorneys for Complainant

Exhibit A

Accusation and Petition to Revoke Probation No. 2004-96

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 MARGARET ANN LAFKO
Supervising Deputy Attorney General
3 DIANE DE KERVOR, State Bar No. 174721
Deputy Attorney General
4 California Department of Justice
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Facsimile: (619) 645-2061
8
9 Attorneys for Complainant

10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation and Petition to
Revoke Probation Against:

Case No. 2004-96

14 **CONNIE C. NEWELL**
15 573 East 1600
South Bountiful, Ut 84010

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

16 Registered Nurse License No. 387168

17 Respondent.
18

19 Ruth Ann Terry, M.P.H, R.N ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation and Petition to Revoke Probation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
23 ("Board"), Department of Consumer Affairs.

24 2. On or about July 31, 1985, the Board issued Registered Nurse License
25 Number 387168 ("license") to Connie C. Newell ("Respondent"). The license will expire on
26 September 30, 2008, unless renewed. On or about May 12, 2007, Respondent moved to Utah.
27 On September 30, 2006, Respondent renewed her license on an inactive status. As of the date of
28 this filing, her license remains inactive.

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1 7. Section 2759 of the Code, provides, in pertinent part, that the Board shall
2 discipline the holder of any license who has been heard by the Board and found guilty by
3 suspending judgment, placing him upon probation, suspending his right to practice nursing for a
4 period not exceeding one year, revoking his license or taking such other action in relation to
5 disciplining him as the Board in its discretion may deem proper.

6 8. Section 2761 of the Code states:

7 "The board may take disciplinary action against a certified or licensed nurse or
8 deny an application for a certificate or license for any of the following:

9 "(a) Unprofessional conduct, which includes, but is not limited to, the
10 following. . . ."

11 7. Section 2762 of the Code states:

12 "In addition to other acts constituting unprofessional conduct within the meaning
13 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed
14 under this chapter to do any of the following:

15 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a
16 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish
17 or administer to another, any controlled substance as defined in Division 10 (commencing with
18 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
19 defined in Section 4022.

20 "(b) Use any controlled substance as defined in Division 10 (commencing with
21 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
22 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
23 injurious to himself or herself, any other person, or the public or to the extent that such use
24 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
25 license."

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4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

8. Health and Safety Code Section 11173, subdivision (a), provides that no person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

DRUGS

9. **Morphine** is a Schedule II controlled substance pursuant to Health & Safety code section 11055(b)(1)(m) and a dangerous drug per section 4022.

10. **Fentanyl** is a Schedule II controlled substance pursuant to Health and Safety Code section 11055(c)(8) and a dangerous drug pursuant to section 4022.

COST RECOVERY

11. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

ACCUSATION

FIRST CAUSE FOR DISCIPLINE

(Obtained, Possessed, and Used Dangerous Drugs)

12. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivisions (a) and (b), in that respondent obtained, possessed, and used dangerous drugs on two occasions:

A. On or about August 16, 2004, Respondent accepted a Fentanyl lozenge that was not prescribed to her from her neighbor and used it.

1 B. On or about August 18, 2006 and August 19, 2006, while employed at
2 Scripps Mercy Hospital in San Diego, California, Respondent diverted Morphine and Fentanyl
3 from hospital supplies for her own personal use. Investigation of the hospital's medication
4 dispensing system, patient records, and clinical information system revealed that on August 18
5 and 19 Respondent removed these drugs from the medical dispensing system which were neither
6 ordered by a physician nor documented as administered to any patient.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Obtained Dangerous Drugs from Hospital Supplies by Fraud, Deceit,
9 Misrepresentation, Subterfuge or by the Concealment of a Material Fact)**

10 13. Respondent is subject to disciplinary action under Health and Safety Code
11 section 11173, subdivision (a) for obtaining controlled substances, Morphine and Fentanyl, from
12 hospital supplies by fraud, deceit, misrepresentation, subterfuge or by the concealment of a
13 material fact. The facts and circumstances surrounding this cause for discipline are described in
14 paragraph 12(B) above and are incorporated by reference herein.

15 **PETITION TO REVOKE PROBATION**

16 14. Grounds exist for revoking the probation and reimposing the order of
17 revocation against Respondent's Registered Nurse License No. RN 387168. Condition No. 12 of
18 the Stipulated Settlement and Disciplinary Order in Accusation No. 2004-96, states, in pertinent
19 part:

20 **Violation of Probation.** If Respondent violates the conditions of
21 her probation, the Board after giving Respondent notice and an
22 opportunity to be heard, may set aside the stay order and impose
the stayed discipline (revocation/suspension) of Respondent's
license.

23 If during the period of probation, an accusation or petition to
24 revoke probation has been filed against Respondent's license or the
25 Attorney General's Office has been requested to prepare an
26 accusation or petition to revoke probation against Respondent's
license, the probationary period shall automatically be extended
upon by the Board.

27 15. Respondent has violated her conditions of Probation, as set forth in the
28 following paragraphs:

1 **FIRST CAUSE TO REVOKE PROBATION**

2 **(Failure to Obey all Laws)**

3 16. At all times after the effective date of Respondent's probation, Condition No. 1
4 states, in pertinent part:

5 **Obey all Laws.** Respondent shall obey all federal, state and local
6 laws. A full and detailed account of any and all violations of law
7 shall be reported by Respondent to the Board in writing within
8 seventy-two (72) hours of occurrence. To permit monitoring of
9 compliance with this condition, Respondent shall submit
completed fingerprint forms and fingerprint fees within 45 days of
the effective date of this decision, unless previously submitted as
part of the license application process.

10 17. Respondent's probation is subject to revocation because she failed to
11 comply with Probation Condition No. 1, referenced above. The facts and circumstances
12 regarding this violation are set forth in paragraphs 12 and 13 above and incorporated by reference
13 herein.

14 **SECOND CAUSE TO REVOKE PROBATION**

15 **(Comply with the Board's Probation Program)**

16 18. At all times after the effective date of Respondent's probation, Condition No. 2
17 states, in pertinent part:

18 **Comply with the Board's Probation Program.** Respondent shall
19 fully comply with the conditions of the Probation Program
20 established by the Board and cooperate with representatives of the
21 Board in its monitoring and investigation of the Respondent's
22 compliance with the Board's Probation Program. Respondent shall
inform the Board in writing within no more than 15 days of any
address change and shall at all times maintain an active, current
license status with the Board, including during any period of
suspension.

23 Upon successful completion of probation, Respondent's license
24 shall be fully restored.

25 19. Respondent's probation is subject to revocation because she failed to
26 comply with Probation Condition No. 1, referenced above. The facts and circumstances
27 regarding this violation are set forth in paragraphs 12 and 13 above and incorporated by reference
28 herein.

1 20. Respondent's probation is subject to revocation because she failed to
2 comply with Probation Condition No. 2, referenced above. The facts and circumstances
3 regarding this violation are as follows:

4 A. Respondent failed to maintain a current and active license during
5 probation in that on September 30, 2006, Respondent renewed her license on an inactive
6 status.

7 B. Respondent failed to comply with Probation Conditions Nos. 16 and 17, as
8 set forth below.

9 **THIRD CAUSE TO REVOKE PROBATION**

10 **(Abstain from Use of Controlled Substances and Psychotropic Drugs)**

11 21. At all times after the effective date of Respondent's probation, Condition
12 No. 16, states:

13 **Abstain from Use of Controlled Substances and Psychotropic**
14 **(Mood-Altering) Drugs.** Respondent shall completely abstain
15 from the possession, injection or consumption by any route of all
16 controlled substances and psychotropic (mood altering) drugs,
17 including alcohol, except when the same are ordered by a health
18 care professional legally authorized to do so as part of documented
19 medical treatment. Respondent shall have sent to the Board, in
20 writing and within fourteen (14) days, by the prescribing health
21 professional, a report identifying the medication, dosage, the date
22 the medication was prescribed, the Respondent's prognosis, the date
23 the medication will no longer be required, and the effect on the
24 recovery plan, if appropriate.

25 Respondent shall identify for the Board a single physician, nurse
26 practitioner or physician assistant who shall be aware of
27 Respondent's history of substance abuse and will coordinate and
28 monitor any prescriptions for Respondent for dangerous drugs,
 controlled substances or mood-altering drugs. The coordinating
 physician, nurse practitioner, or physician assistant shall report to
 the Board on a quarterly basis Respondent's compliance with this
 condition. If any substances considered addictive have been
 prescribed, the report shall identify a program for the time limited
 use of any such substances.

 The Board may require the single coordinating physician, nurse
 practitioner, or physician assistant to be a specialist in addictive
 medicine, or to consult with a specialist in addictive medicine.

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1 22. Respondent's probation is subject to revocation because she failed to
2 comply with Probation Condition No. 16, referenced above. The facts and circumstances
3 regarding this violation are set forth above in paragraph 12 and are incorporated by reference
4 herein.

5 **FOURTH CAUSE TO REVOKE PROBATION**

6 **(Submit to Tests and Samples)**

7 23. At all times after the effective date of Respondent's probation, Condition
8 No. 17, states:

9 **Submit to Tests and Samples.** Respondent, at her expense, shall
10 participate in a random, biological fluid testing or a drug screening
11 program which the Board approves. The length of time and
12 frequency will be subject to approval by the Board. Respondent is
13 responsible for keeping the Board informed of Respondent's current
14 telephone number at all times. Respondent shall also ensure that
15 messages may be left at the telephone number when she is not
16 available and ensure that reports are submitted directly by the
17 testing agency to the Board, as directed. Any confirmed positive
18 finding shall be reported immediately to the Board by the program
19 and Respondent shall be considered in violation of probation.

20 In addition, Respondent, at any time during the period of probation,
21 shall fully cooperate with the Board or any of its representatives,
22 and shall, when requested, submit to such tests and samples as the
23 Board or its representatives may require for the detection of alcohol,
24 narcotics, hypnotics, dangerous drugs, or other controlled
25 substances.

26 If Respondent has a positive drug screen for any substance not
27 legally authorized and not reported to the coordinating physician,
28 nurse practitioner, or physician assistant, and the Board files a
petition to revoke probation or an accusation, the Board may
suspend Respondent from practice pending the final decision on the
petition to revoke probation or the accusation. This period of
suspension will not apply to the reduction of this probationary time
period.

29 If Respondent fails to participate in a random, biological fluid
30 testing or drug screening program within the specified time frame,
31 Respondent shall immediately cease practice and shall not resume
32 practice until notified by the Board. After taking into account
33 documented evidence of mitigation, if the Board files a petition to
34 revoke probation or an accusation, the Board may suspend
35 Respondent from practice pending the final decision on the petition
36 to revoke probation or the accusation. This period of suspension
37 will not apply to the reduction of this probationary time period.

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1 24. Respondent's probation is subject to revocation because she failed to
2 comply with Probation Condition No. 17, referenced above. The facts and circumstances
3 regarding this violation are that on the following dates, Respondent failed to respond to requests
4 for random drug testing as follows:

5 2005: May 9, 2005, May 31, 2005, July 5, 2005,
6 September 27, 2005, November 2, 2005, December 14, 2005.

7 2006: January 4, 2006, January 11, 2006,
8 February 15, 2006, March 15, 2006, March 27, 2006,
9 May 16, 2006, May 30, 2006, June 15, 2006, July 11, 2006,
10 July 26, 2006, August 9, 2006, September 12, 2006,
11 October 19, 2006, and November 15, 2006.

12 Additionally, Respondent reported ten days after the request for testing on
13 April 4, 2006.

14 **AGGRAVATING FACTORS**

15 25. Respondent has been on probation three times. Twice for drug offenses
16 and once for gross negligence and incompetence.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:


1. Revoking the probation that was granted by the Board Case No. 2004-96 and imposing the disciplinary order that was stayed thereby revoking Registered Nurse License No. 387168 issued to Connie C. Newell;

2. Revoking or suspending Registered Nurse License No. 387168 issued to Connie C. Newell;

3. Ordering Connie C. Newell to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case pursuant to Code section 125.3; and,

4. Taking such other and further action as deemed necessary and proper.

DATED: 6/5/07


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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80136472.wpd

Exhibit A

Decision and Order

Board of Registered Nursing Case No. 2004-96

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2004-96

CONNIE C. NEWELL
588 Morgan Way
El Cajon, California 92020

Registered Nurse License No. 387168

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 13, 2004

It is so ORDERED May 14, 2004

Sandra L. Erickson

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General
of the State of California
2 MARGARET A. LAFKO, State Bar No. 105921

3 Attorneys for Complainant

4 SHIRLEY A. GARCIA, Senior Legal Analyst
California Department of Justice
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San Diego, CA 92101

6 P.O. Box 85266
7 San Diego, CA 92186-5266
Telephone: (619) 645-2085
8 Facsimile: (619) 645-2061

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10
11 **BEFORE THE**
12 **BOARD OF REGISTERED NURSING**
13 **DEPARTMENT OF CONSUMER AFFAIRS**
14 **STATE OF CALIFORNIA**

15 In the Matter of the Accusation Against:

Case No. 2004-96

16 CONNIE C. NEWELL
588 Morgan Way
17 El Cajon, California 92020

18 Registered Nurse License No. 387168

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

19 Respondent.
20

21 In the interest of a prompt and speedy settlement of this matter, consistent with the
22 public interest and the responsibility of the Board of Registered Nursing of the Department of
23 Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and
24 Disciplinary Order which will be submitted to the Board for approval and adoption as the final
25 disposition of the Accusation.

26 **PARTIES**

27 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
28 the Board of Registered Nursing. She brought this action solely in her official capacity and is

1 represented in this matter by Bill Lockyer, Attorney General of the State of California, by
2 Margaret A. Lafko, Supervising Deputy Attorney General and Shirley A. Garcia, Senior Legal
3 Analyst.

4 2. CONNIE C. NEWELL (Respondent) is representing herself in this
5 proceeding and has chosen not to exercise her right to be represented by counsel.

6 3. On or about July 31, 1985, the Board of Registered Nursing issued
7 Registered Nurse License No. 387168 to CONNIE C. NEWELL (Respondent). The License was
8 in full force and effect at all times relevant to the charges brought in Accusation No. 2004-96
9 and will expire on September 30, 2004, unless renewed.

10 **JURISDICTION**

11 4. Accusation No. 2004-96 was filed before the Board of Registered Nursing
12 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The
13 Accusation and all other statutorily required documents were properly served on Respondent on
14 November 14, 2003. Respondent timely filed her Notice of Defense contesting the Accusation.
15 A copy of Accusation No. 2004-96 is attached as Exhibit A and incorporated herein by reference.

16 **ADVISEMENT AND WAIVERS**

17 5. Respondent has carefully read, and understands the charges and allegations
18 in Accusation No. 2004-96. Respondent has also carefully read, and understands the effects of
19 this Stipulated Settlement and Disciplinary Order.

20 6. Respondent is fully aware of her legal rights in this matter, including the
21 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
22 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
23 the right to present evidence and to testify on her own behalf; the right to the issuance of
24 subpoenas to compel the attendance of witnesses and the production of documents; the right to
25 reconsideration and court review of an adverse decision; and all other rights accorded by the
26 California Administrative Procedure Act and other applicable laws.

27 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
28 each and every right set forth above.

1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in
3 Accusation No. 2004-96.

4 9. Respondent agrees that her Registered Nurse License is subject to
5 discipline and she agrees to be bound by the Board of Registered Nursing (Board) 's imposition
6 of discipline as set forth in the Disciplinary Order below.

7 RESERVATION

8 10. The admissions made by Respondent herein are only for the purposes of
9 this proceeding, or any other proceedings in which the Board of Registered Nursing or other
10 professional licensing agency is involved, and shall not be admissible in any other criminal or
11 civil proceeding.

12 CONTINGENCY

13 11. This stipulation shall be subject to approval by the Board of Registered
14 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
15 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
16 and settlement, without notice to or participation by Respondent. By signing the stipulation,
17 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
18 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
19 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
20 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
21 between the parties, and the Board shall not be disqualified from further action by having
22 considered this matter.

23 12. The parties understand and agree that facsimile copies of this Stipulated
24 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
25 force and effect as the originals.

26 13. In consideration of the foregoing admissions and stipulations, the parties
27 agree that the Board may, without further notice or formal proceeding, issue and enter the
28 following Disciplinary Order:

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 387168 issued to Respondent CONNIE C. NEWELL (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

Criminal Court Orders: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

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1 3. **Report in Person.** Respondent, during the period of probation, shall
2 appear in person at interviews/meetings as directed by the Board or its designated
3 representatives.

4 4. **Residency, Practice, or Licensure Outside of State.** Periods of
5 residency or practice as a registered nurse outside of California shall not apply toward a reduction
6 of this probation time period. Respondent's probation is tolled, if and when she resides outside
7 of California. Respondent must provide written notice to the Board within 15 days of any change
8 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
9 returning to practice in this state.

10 Respondent shall provide a list of all states and territories where she has ever been
11 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
12 provide information regarding the status of each license and any changes in such license status
13 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
14 new nursing license during the term of probation.

15 5. **Submit Written Reports.** Respondent, during the period of probation,
16 shall submit or cause to be submitted such written reports/declarations and verification of actions
17 under penalty of perjury, as required by the Board. These reports/declarations shall contain
18 statements relative to Respondent's compliance with all the conditions of the Board's Probation
19 Program. Respondent shall immediately execute all release of information forms as may be
20 required by the Board or its representatives.

21 Respondent shall provide a copy of this Decision to the nursing regulatory agency
22 in every state and territory in which she has a registered nurse license.

23 6. **Function as a Registered Nurse.** Respondent, during the period of
24 probation, shall engage in the practice of registered nursing in California for a minimum of 24
25 hours per week for 6 consecutive months or as determined by the Board.

26 For purposes of compliance with the section, "engage in the practice of registered
27 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
28 work in any non-direct patient care position that requires licensure as a registered nurse.

1 The Board may require that advanced practice nurses engage in advanced practice
2 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
3 Board.

4 If Respondent has not complied with this condition during the probationary term,
5 and Respondent has presented sufficient documentation of her good faith efforts to comply with
6 this condition, and if no other conditions have been violated, the Board, in its discretion, may
7 grant an extension of Respondent's probation period up to one year without further hearing in
8 order to comply with this condition. During the one year extension, all original conditions of
9 probation shall apply.

10 **7. Employment Approval and Reporting Requirements.** Respondent
11 shall obtain prior approval from the Board before commencing or continuing any employment,
12 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
13 performance evaluations and other employment related reports as a registered nurse upon request
14 of the Board.

15 Respondent shall provide a copy of this Decision to her employer and immediate
16 supervisors prior to commencement of any nursing or other health care related employment.

17 In addition to the above, Respondent shall notify the Board in writing within
18 seventy-two (72) hours after she obtains any nursing or other health care related employment.
19 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
20 terminated or separated, regardless of cause, from any nursing, or other health care related
21 employment with a full explanation of the circumstances surrounding the termination or
22 separation.

23 **8. Supervision.** Respondent shall obtain prior approval from the Board
24 regarding Respondent's level of supervision and/or collaboration before commencing or
25 continuing any employment as a registered nurse, or education and training that includes patient
26 care.

27 Respondent shall practice only under the direct supervision of a registered nurse
28 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative

1 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
2 are approved.

3 Respondent's level of supervision and/or collaboration may include, but is not
4 limited to the following:

5 (a) Maximum - The individual providing supervision and/or collaboration is
6 present in the patient care area or in any other work setting at all times.

7 (b) Moderate - The individual providing supervision and/or collaboration is in
8 the patient care unit or in any other work setting at least half the hours Respondent works.

9 (c) Minimum - The individual providing supervision and/or collaboration has
10 person-to-person communication with Respondent at least twice during each shift worked.

11 (d) Home Health Care - If Respondent is approved to work in the home health
12 care setting, the individual providing supervision and/or collaboration shall have person-to-
13 person communication with Respondent as required by the Board each work day. Respondent
14 shall maintain telephone or other telecommunication contact with the individual providing
15 supervision and/or collaboration as required by the Board during each work day. The individual
16 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
17 site visits to patients' homes visited by Respondent with or without Respondent present.

18 9. **Employment Limitations.** Respondent shall not work for a nurse's
19 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
20 traveling nurse, or for an in-house nursing pool.

21 Respondent shall not work for a licensed home health agency as a visiting nurse
22 unless the registered nursing supervision and other protections for home visits have been
23 approved by the Board. Respondent shall not work in any other registered nursing occupation
24 where home visits are required.

25 Respondent shall not work in any health care setting as a supervisor of registered
26 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
27 nurses and/or unlicensed assistive personnel on a case-by-case basis.

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Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$1,500.00 (ONE THOUSAND FIVE HUNDRED DOLLARS). Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

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1 12. **Violation of Probation.** If Respondent violates the conditions of her
2 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
3 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
4 license.

5 If during the period of probation, an accusation or petition to revoke probation has
6 been filed against Respondent's license or the Attorney General's Office has been requested to
7 prepare an accusation or petition to revoke probation against Respondent's license, the
8 probationary period shall automatically be extended and shall not expire until the accusation or
9 petition has been acted upon by the Board.

10 13. **License Surrender.** During Respondent's term of probation, if she ceases
11 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
12 probation, Respondent may surrender her license to the Board. The Board reserves the right to
13 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
14 take any other action deemed appropriate and reasonable under the circumstances, without
15 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
16 will no longer be subject to the conditions of probation.

17 Surrender of Respondent's license shall be considered a disciplinary action and
18 shall become a part of Respondent's license history with the Board. A registered nurse whose
19 license has been surrendered may petition the Board for reinstatement no sooner than the
20 following minimum periods from the effective date of the disciplinary decision:

21 (1) Two years for reinstatement of a license that was surrendered for any
22 reason other than a mental or physical illness; or

23 (2) One year for a license surrendered for a mental or physical illness.

24 14. **Physical Examination.** Within 45 days of the effective date of this
25 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
26 physician assistant, who is approved by the Board before the assessment is performed, submit an
27 assessment of the Respondent's physical condition and capability to perform the duties of a
28 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If

1 medically determined, a recommended treatment program will be instituted and followed by the
2 Respondent with the physician, nurse practitioner, or physician assistant providing written
3 reports to the Board on forms provided by the Board.

4 If Respondent is determined to be unable to practice safely as a registered nurse,
5 the licensed physician, nurse practitioner, or physician assistant making this determination shall
6 immediately notify the Board and Respondent by telephone, and the Board shall request that the
7 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
8 shall immediately cease practice and shall not resume practice until notified by the Board.
9 During this period of suspension, Respondent shall not engage in any practice for which a license
10 issued by the Board is required until the Board has notified Respondent that a medical
11 determination permits Respondent to resume practice. This period of suspension will not apply
12 to the reduction of this probationary time period.

13 If Respondent fails to have the above assessment submitted to the Board within
14 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
15 practice until notified by the Board. This period of suspension will not apply to the reduction of
16 this probationary time period. The Board may waive or postpone this suspension only if
17 significant, documented evidence of mitigation is provided. Such evidence must establish good
18 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
19 provided. Only one such waiver or extension may be permitted.

20 **15. Participate in Treatment/Rehabilitation Program for Chemical**
21 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
22 period or shall have successfully completed prior to commencement of probation a Board-
23 approved treatment/rehabilitation program of at least six months duration. As required, reports
24 shall be submitted by the program on forms provided by the Board. If Respondent has not
25 completed a Board-approved treatment/rehabilitation program prior to commencement of
26 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
27 a program. If a program is not successfully completed within the first nine months of probation,
28 the Board shall consider Respondent in violation of probation.

1 Based on Board recommendation, each week Respondent shall be required to
2 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
3 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
4 by the Board. If a nurse support group is not available, an additional 12-step meeting or
5 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
6 such attendance to the Board during the entire period of probation. Respondent shall continue
7 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
8 mental health examiner and/or other ongoing recovery groups.

9 **16. Abstain from Use of Controlled Substances and Psychotropic (Mood-**
10 **Altering) Drugs.** Respondent shall completely abstain from the possession, injection or
11 consumption by any route of all controlled substances and psychotropic (mood altering) drugs,
12 including alcohol, except when the same are ordered by a health care professional legally
13 authorized to do so as part of documented medical treatment. Respondent shall have sent to the
14 Board, in writing and within fourteen (14) days, by the prescribing health professional, a report
15 identifying the medication, dosage, the date the medication was prescribed, the Respondent's
16 prognosis, the date the medication will no longer be required, and the effect on the recovery plan,
17 if appropriate.

18 Respondent shall identify for the Board a single physician, nurse practitioner or
19 physician assistant who shall be aware of Respondent's history of substance abuse and will
20 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
21 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
22 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
23 condition. If any substances considered addictive have been prescribed, the report shall identify a
24 program for the time limited use of any such substances.

25 The Board may require the single coordinating physician, nurse practitioner, or
26 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
27 addictive medicine.

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1 17. **Submit to Tests and Samples.** Respondent, at her expense, shall
2 participate in a random, biological fluid testing or a drug screening program which the Board
3 approves. The length of time and frequency will be subject to approval by the Board.
4 Respondent is responsible for keeping the Board informed of Respondent's current telephone
5 number at all times. Respondent shall also ensure that messages may be left at the telephone
6 number when she is not available and ensure that reports are submitted directly by the testing
7 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
8 to the Board by the program and Respondent shall be considered in violation of probation.

9 In addition, Respondent, at any time during the period of probation, shall fully
10 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
11 tests and samples as the Board or its representatives may require for the detection of alcohol,
12 narcotics, hypnotics, dangerous drugs, or other controlled substances.

13 If Respondent has a positive drug screen for any substance not legally authorized
14 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
15 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
16 from practice pending the final decision on the petition to revoke probation or the accusation.
17 This period of suspension will not apply to the reduction of this probationary time period.

18 If Respondent fails to participate in a random, biological fluid testing or drug
19 screening program within the specified time frame, Respondent shall immediately cease practice
20 and shall not resume practice until notified by the Board. After taking into account documented
21 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
22 Board may suspend Respondent from practice pending the final decision on the petition to
23 revoke probation or the accusation. This period of suspension will not apply to the reduction of
24 this probationary time period.

25 18. **Mental Health Examination.** Respondent shall, within 45 days of the
26 effective date of this Decision, have a mental health examination including psychological testing
27 as appropriate to determine her capability to perform the duties of a registered nurse. The
28 examination will be performed by a psychiatrist, psychologist or other licensed mental health

1 practitioner approved by the Board. The examining mental health practitioner will submit a
2 written report of that assessment and recommendations to the Board. All costs are the
3 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
4 result of the mental health examination will be instituted and followed by Respondent.

5 If Respondent is determined to be unable to practice safely as a registered nurse,
6 the licensed mental health care practitioner making this determination shall immediately notify
7 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
8 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
9 practice and may not resume practice until notified by the Board. During this period of
10 suspension, Respondent shall not engage in any practice for which a license issued by the Board
11 is required, until the Board has notified Respondent that a mental health determination permits
12 Respondent to resume practice. This period of suspension will not apply to the reduction of this
13 probationary time period.

14 If Respondent fails to have the above assessment submitted to the Board within
15 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
16 practice until notified by the Board. This period of suspension will not apply to the reduction of
17 this probationary time period. The Board may waive or postpone this suspension only if
18 significant, documented evidence of mitigation is provided. Such evidence must establish good
19 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
20 provided. Only one such waiver or extension may be permitted.

21 **19. Therapy or Counseling Program.** Respondent, at her expense, shall
22 participate in an on-going counseling program until such time as the Board releases her from this
23 requirement and only upon the recommendation of the counselor. Written progress reports from
24 the counselor will be required at various intervals.

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DATED: 2/23/04

ENDORSEMENT

DATED: 2/23/04

MARGARET A. LAFKO
Supervising Deputy Attorney General
Attorneys for Complainant

Exhibit A
Accusation No.

1 BILL LOCKYER, Attorney General
of the State of California
2 MARGARET A. LAFKO, State Bar No. 105921
Supervising Deputy Attorney General

3 Attorneys for Complainant

4 SHIRLEY A. GARCIA, Senior Legal Analyst
5 California Department of Justice
110 West "A" Street, Suite 1100
6 San Diego, CA 92101

7 P.O. Box 85266
San Diego, CA 92186-5266
8 Telephone: (619) 645-2085
Facsimile: (619) 645-2061
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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

13

14 In the Matter of the Accusation Against:

Case No. 2004-96

15 CONNIE C. NEWELL
588 Morgan Way
16 El Cajon, California 92020

ACCUSATION

17 Registered Nurse License No. 387168

18 Respondent.

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20 Complainant alleges:

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PARTIES

22 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
23 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
24 Department of Consumer Affairs.

25 2. On or about July 31, 1985, the Board of Registered Nursing issued
26 Registered Nurse License Number 387168 to CONNIE C. NEWELL (Respondent). The
27 Registered Nurse License was in full force and effect at all times relevant to the charges brought
28 herein and will expire on September 30, 2004, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"...

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

6. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

"...

"(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this

1 section, or the possession of, or falsification of a record pertaining to, the substances described in
2 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
3 thereof.”

4 7. Section 118, subdivision (b), of the Code provides that the
5 suspension/expiration/surrender/cancellation of a license shall not deprive the Board of
6 jurisdiction to proceed with a disciplinary action during the period within which the license may
7 be renewed, restored, reissued or reinstated.

8 8. Section 125.3 of the Code provides, in pertinent part, that the Board may
9 request the administrative law judge to direct a licensee found to have committed a violation or
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
11 and enforcement of the case.

12 9. Health and Safety Code Section 11170 provides that no person shall
13 prescribe, administer, or furnish a controlled substance for himself or herself.

14 10. Health and Safety Code Section 11173(a) provides that no person shall
15 obtain or attempt to obtain controlled substances, or procure or attempt to procure the
16 administration of or prescription for controlled substances, (1) by fraud, deceit,
17 misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

18 11. Health and Safety Code section 11368 provides that no person shall forge
19 or alter a prescription for any narcotic drug.

20 12. **DRUGS**

21 "Valium" is a brand name for diazepam and is a Schedule IV controlled substance
22 pursuant to Health and Safety Code section 11057.

23 "Lorcet" is a brand name for hydrocodone and acetaminophen and is a Schedule
24 III controlled substance pursuant to Health and Safety Code section 11056.

25 **FIRST CAUSE FOR DISCIPLINE**

26 **(Conviction of a Crime)**

27 13. Respondent is subject to disciplinary action under section 2761(f) in that
28 on or about April 23, 2003, Respondent pled guilty to one count of Health and Safety Code

1 Section 11368—Forged or Altered a Prescription, a misdemeanor, in the case entitled, Superior
2 Court of California, County of San Diego, *People of the State of California v. Connie C. Newell*,
3 Case No. CD 171114. The circumstances are as follows:

4 14. On or about November 6, 2002, Respondent altered a drug prescription of
5 20 tablets of Valium-5 mg. to 40 tablets and presented the prescription to a pharmacy in San
6 Diego to fill. The pharmacist noticed the prescription had been altered and notified the San
7 Diego Police Department who subsequently placed Respondent under arrest.

8 **SECOND CAUSE FOR DISCIPLINE**

9 (Obtain, Possess, And Self-Administer Controlled Substances)

10 15. Respondent is subject to disciplinary action under section 2762(a) and (c)
11 in that Respondent, by her own admissions, altered two prescription drugs each prescribed by her
12 doctor. However, Respondent changed 30 tablets of Lorcet to 50 tablets and changed 20 tablets
13 of Valium-5mg to 40 tablets. The circumstances are as follows:

14 16. Sometime in October 2002, Respondent altered a drug prescription for
15 Lorcet as described in 15 above.

16 17. On or about November 6, 2002, Respondent altered a drug prescription for
17 Valium as described in 15 above.

18 **DISCIPLINE CONSIDERATIONS**

19 18. To determine the degree of discipline, if any, to be imposed on
20 Respondent, Complainant alleges that on or about August 2, 1992, in a prior disciplinary action
21 entitled In the Matter of the Accusation Against CONNIE C. NEWELL before the Board of
22 Registered Nursing, in Case Number No. 92-44, Respondent's license was revoked with
23 revocation stayed and Respondent was placed on 3 years probation and ordered to obey all terms
24 and conditions of probation for violating Business and Professions Code section 2761(a) on the
25 grounds of unprofessional conduct (Code of Regulations, Section 1442). That decision is now
26 final and is incorporated by reference as if fully set forth.

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1 PRAYER


2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 387168, issued
5 to CONNIE C. NEWELL;

6 2. Ordering CONNIE C. NEWELL to pay the Board of Registered Nursing
7 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
8 Professions Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: 12/29/03

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13 RUTH ANN TERRY, M.P.H., R.N.
14 Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant
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